

Message Text

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TAGS: PFOR, UY

SUBJ: U.S. - GOU EXTRADITION TREATY

REFS: (A) STATE 46673, (B) STATE 109563

1. SUMMARY: EMBASSY BELIEVES PROSPECTS FOR URUGUAYAN RATIFICATION OF US - URUGUAYAN EXTRADITION TREATY DURING CURRENT LEGISLATIVE SESSION ARE GOOD. AT THE MOMENT, THE FOREIGN AFFAIRS COMMITTEE OF THE CVMNCIL OF STATE IS AWAITING THE FONOFF'S RESPONSE TO A COMMITTEE REQUEST FOR INFORMATION MADE SOME TIME AGO. INASMUCH AS LEGISLATURE STILL ORGANIZING (ALL COMMITTEE PRESIDENTS STILL NOT ELECTED) FOR THIS YEAR'S SESSION, EMBASSY DID NOT RESPOND TO REFTEL A. THIS MESSAGE SHOULD BE CONSIDERED AS INTERIM RESPONSE.

2. THE US - URUGUAYAN EXTRADITION TREATY WAS SENT TO TTW COUNCIL OF STATE FOR LEGISLATURE APPROVAL EARLY IN 1974. HOWEVER, FOR VARIETY OF REASONS, IT WAS NOT GIVEN SERIOUS CONSIDERATION UNTIL MID-YEAR. AT THAT TIME A NUMBER OF COUNCILLORS EXPRESSED CONCERN OVER THE POSSIBILITY THAT, FOLLOWING EXTRADITION PROCEDURES, SOME STATE IN THE US MIGHT PROCEED TO APPLY THE DEATH PZ ALTY DESPITE TREATY PROVISIONS. OVER A PERIOD OF TIME EMBOFFS MET WITH KEY COUNCILLORS AND EXPLAINED PRECEDENCE OF TREATIES IN US LEGAL HIERARCHY AND DESCRIBED TYPES OF ASSURANCES WHICH THE DEPARTMENT HAD OBTAINED FROM A PROSECUTOR JUDGE AND GOVERNO

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DJS OFFICE IN A CASE IN WHICH ANOTHER COUNTRY

HAD SOUGHT ASSURANCES THAT A PRISONER, IF EXTRADITED, WOULD NOT BE SENTENCED TO DEATH. WE BELIEVE THOSE FEARS WERE ALLAYED BY THOSE ARGUMENTS AND BY OUR POINTING OUT THAT THE US WAS INTERESTED IN THE TREATY AND THAT WE REALIZED THAT ONE VIOLATION ON OUR PART WOULD KILL CHANCES FOR ANY FUTURE EXTRADITION REQUESTS.

3. DURING THE 1975 SESSION, THE COUNCIL CHOSE NOT TO MOVE AHEAD WITH THE TREATY PENDING STUDY OF NEW EXTRADITION LEGISLATION. NEVERTHELESS, THE FOREIGN AFFAIRS COMMITTEE DID SEND THE FONOFF A MEMO REQUESTING CLARIFICATION OF ASPECTS OF THE TREATY. DURING THE PAST TWO WEEKS, AN EMBOFF SPOKE WITH LAST YEAR'S FOREIGN RELATIONS COMMITTEE PRESIDENT, TWO MEMBERS OF THIS COUNCIL'S COMMITTEE AND WITH TWO OTHER COUNCILLORS. ALL SAID THE COMMITTEE WAS WAITING FOR THE FONOFF'S RESPONSE. OUR RELATIONS WITH THESE MEN ARE GOOD AND WE ACCEPT THEIR WORD. ALTHOUGH NO ONE MENTIONED IT, WE ASSUME THAT THE LEGISLATORS HAVE DECIDED THAT THEY WILL NOT MOVE UNTIL THEY RECEIVE THE COURTESY OF A REPLY.

4. THE EMBASSADOR RAISED THE MATTER WITH THE FOREIGN MINISTER A FEW MONTHS AGO AND WAS ASSURED THAT THE EXECUTIVE GAVE THE TREATY ITS FULL SUPPORT. AN EMBOFF SPOKE WITH THE MINISTRY'S LEGAL ADVISOR WHO REITERATED HIS CONVICTION THAT THE TREATY (WHICH HE HELPED NEGOTIATE) WAS A GOOD ONE.

5. EVERYONE WITH WHOM WE HAVE MET IN BOTH THE EXECUTIVE AND LEGISLATIVE BRANCHES FAVORS THE TREATY. LEGISLATORS ASSURE US IT WILL BE APPROVED, AS WE BELIEVE IT WILL BE. WE ARE OF THE OPINION THAT THE CURRENT DELAY IS DUE TO COMMITTEE PIQUE AT THE FOREIGN MINISTRY. ON THE OTHER SIDE, THE MEMO COULD WELL BE BURIED INADVERTENTLY AMONG PAPERS ON THE DESK OF THE MINISTRY'S BADLY OVERWORKED LEGAL STAFF. THE AMBASSADOR WILL RAISE THE MATTER AGAIN WHEN HE NEXT SEES THE MINISTER, AND THE FOREIGN AFFAIRS COMMITTEE'S 1975 PRESIDENT HAS PROMISED TO SEND ANOTHER COPY OF HIS MEMO WHEN HE RETURNS FROM A TRIP TO TAIWAN (AN EMBOFF SPOKE WITH HIM ON THE EVE OF HIS DEPARTURE). BETWEEN THE TWO, THE BUREAUCRATIC HASSLE SHOULD BE BROKEN AND POSITIVE ACTION LIMITED OFFICIAL USE

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